

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSIE BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHIEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 19, 2013
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:36 a.m. Mayor Pro Tempore Ann Morgan Lilly present and presiding and the following Council Members answered roll call: Susannah M. Byrd, Emma Acosta, Carl Robinson, Michiel R. Noe, Eddie Holguin, Jr., and Steve Ortega. Late arrival: Cortney Carlisle Niland at 8:47 a.m. Absent: Mayor John F. Cook requested to be excused. The invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. NATIONAL GIRLS AND WOMEN IN SPORTS WEEK
2. NATIONAL LULAC WEEK
3. MANNY NAJERA DAY
4. HOUSING AUTHORITY OF THE CITY OF EL PASO WEEK

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 8:30 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Mr. David Ochoa
2. Ms. Wally Cech
3. Mr. Stan Roberts
4. Mr. Steven Strummer
5. Ms. Sylvia Carreon
6. Ms. Sheila Lujan

Mayor Pro Tempore Lilly and Representative Holguin commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

CONSENT AGENDA

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of February 11, 2013.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

*Motion made, seconded, and unanimously carried to **EXCUSE, AS REVISED** Mayor John F. Cook from the Regular Council Meeting of February 19, 2013.

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3.

***RESOLUTION**

WHEREAS, the City and County of El Paso wish to annex approximately 1.5941 acres of real property described in Exhibit "A" and Exhibit "B" which is attached and incorporated for all purposes, and of which the County of El Paso is the owner of approximately of 1.5941 acres of such real property; and,

WHEREAS, the Property is not within the corporate limits of any municipality but is contiguous to the corporate limits of the City and the Property Owner desires that the Property be annexed to the City in order to provide adequate and efficient improvements and facilities; and,

WHEREAS, the City has determined that if the Property is annexed, such annexation should be subject to certain terms and conditions which will require the Property Owner to assist in bearing the costs for municipal infrastructure costs and costs for providing municipal services to the annexed area; and,

WHEREAS, Property Owner, after full consideration, accepts the terms and conditions cited in this Agreement due to the advantages and benefits resulting from the annexation of the Property; and,

WHEREAS, the City, after due and careful consideration, has concluded that should the City decide to annex the Property the annexation should be under the terms and conditions hereinafter set forth and that such terms and conditions are in the best interest of the City to protect and provide for the public health, safety, morals and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Annexation Agreement between the City and County of El Paso, for 1.5941 acres of real property located South of the future extension of Pebble Hills Boulevard (between John Hayes Street and the future Tim Floyd Street) and at the intersection of the future extensions of Ralph Seitsinger Drive and Tim Floyd Street, which will specify the terms and conditions in which the property will be annexed should the City annex the property.

That the Director of Planning prepare an annexation service plan in accordance with Section 43.056 of the Local Government Code.

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4A. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Kimberly Cook McDaniel to the Ethics Review Committee by Representative Michiel R. Noe, District 5.

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4B. BOARD APPOINTMENT

*Motion made, seconded, and carried to **APPOINT** Steve Nordberg to the Community Development Steering Committee by Representative Ann Morgan Lilly, District 1.

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5A. – 5D. INTRODUCTIONS

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- 5A.** An Ordinance amending Title 18 (Building and Construction), of the El Paso City Code by repealing Chapter 18.40 (Vacant Buildings) in its entirety and adopting a new Chapter 18.40 (Vacant Buildings) in its place, to reduce the time frame within which a building must register, increase the occupancy requirements, revise the registration and fire protection requirements and provide an adaptive reuse alternative; the penalty being as provided in Section 18.40.130 (Penalty) of the El Paso City Code.
- 5B.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.52 (Fire Prevention Code), Section 9.52.030.14 to amend the Miscellaneous Combustible Material Operational Permit language in Section 105 of the International Fire Code; to amend Section 9.52.030.16 to require a Certificate of Occupancy for the issuance of an operational permit; to amend Section 9.52.050.5 to add criteria for miscellaneous combustible materials storage; the penalty as provided in Section 9.52.030.19 (Violation Penalties) of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON MARCH 5, 2013, FOR ITEMS 5A – 5B

ITEM 5C - RELATED TO THE BALLPARK AND RELOCATION

- 5C.** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of an "An Ordinance repealing a Resolution approved by City Council on June 26, 2012 Styled Under – Regular Agenda – Other Business 12. City Manager: 3. Discussion and action on a Resolution that the City Manager be authorized to sign the Term Sheet as agreed upon by the City of El Paso and Mountain Star Sports Group, LLC, in order to signal the creation of the public/private partnership and the intent of the City Council to construct a public sports facility ("Ballpark") in the event the investors are able to purchase a Triple-A Minor League Baseball Franchise and relocate it to El Paso; that the City Council intends to locate the Ballpark on the site currently occupied by City Hall, Insights Museum, the Community Garden and the supporting parking area fronting on Franklin Street and authorizes the City Manager to take measures to complete the planning for the redevelopment of such site and to take steps to make the site available for the construction, including termination of leasehold interests, and to move forward to formulate long term and short term execution plans for the relocation of City operations from the City Hall site to other locations in the downtown area for the construction of the Ballpark; that the City Manager be authorized to proceed with proposed financing plan to include the possible use of (i) a venue hotel occupancy tax if approved by the voters at a duly-called election; (ii) lease revenue bonds issued by a local government corporation formed by the city; and/or (iii) other debt obligations issued by or on behalf of the City for the construction and development

of the Ballpark; and that the City Manager or her designee be authorized to negotiate a contract containing the terms and conditions set forth in the term sheet for the construction and future operations and maintenance of the Ballpark and to present it to City Council for consideration upon completion of the negotiations." to be held within the City on May 11, 2013.

- 5D.** An Ordinance of the City Council of the City of El Paso, Texas, calling a Special Election for the submission of Charter Amendments to be held within the City, on May 11, 2013; making provisions for the conduct of the election and other provisions incident and related to the purpose of this Ordinance.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 26, 2013, FOR ITEMS 5C – 5D

Ms. Sylvia Firth, City Attorney, gave legal advice.

6. CITY ATTORNEY

1st MOTION

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 9:19 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

2ND MOTION

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **ADJOURN** the Executive Session at 9:29 a.m. and **RECONVENE** the meeting of the City Council.

3RD MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and carried to **APPROVE** the public hearing on an Ordinance entitled; Now therefore, be it enacted by the City Council of the City of El Paso, Texas that: (1) Sections 3.2.1 through 3.2.9 inclusive of the agreement enabling the City Manager to establish construction guidelines to erect a baseball stadium on the site of the present City Hall which were adopted on September 18, 2012, by the City Council of the City of El Paso, Texas, be and the same are hereby repealed, (2) that the City Council of the City of El Paso, Texas, its Mayor, John Cook, and any person or corporation or business entity of any type be forbidden from preparing for the demolition of City Hall, and (3) that the demolition of City Hall shall not take place until the citizens of El Paso, Texas, authorize such demolition by voting for it at the next City Election in May, 2013.

THE MOTION FAILED.

AYES: Representatives Byrd, Acosta, Robinson, and Holguin

NAYS: Representatives Lilly, Noe, Ortega, and Niland

4TH MOTION

Motion made by Representative Ortega, seconded by Representative Holguin, and unanimously carried to **RECONSIDER** the item.

5TH MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and carried to **APPROVE** the public hearing on an Ordinance entitled; Now therefore, be it enacted by the City Council of the City of El Paso, Texas that: (1) Sections 3.2.1 through 3.2.9 inclusive of the agreement enabling the City Manager to establish construction guidelines to erect a baseball stadium on the site of the present City Hall which were adopted on September 18, 2012, by the City Council of the City of El Paso, Texas, be and the same are hereby repealed, (2) that the City Council of the City of El Paso, Texas, its Mayor, John Cook, and any person or corporation or business entity of any type be forbidden from preparing for the demolition of City

Hall, and (3) that the demolition of City Hall shall not take place until the citizens of El Paso, Texas, authorize such demolition by voting for it at the next City Election in May, 2013.

THE MOTION FAILED.

AYES: Representatives, Acosta, Robinson, and Holguin

NAYS: Representatives Lilly, Byrd, Noe, Ortega, and Niland

6TH AND FINAL MOTION

Motion made by Representative Niland, seconded by Representative Ortega and carried to **DENY** the public hearing on an Ordinance entitled; Now therefore, be it enacted by the City Council of the City of El Paso, Texas that: (1) Sections 3.2.1 through 3.2.9 inclusive of the agreement enabling the City Manager to establish construction guidelines to erect a baseball stadium on the site of the present City Hall which were adopted on September 18, 2012, by the City Council of the City of El Paso, Texas, be and the same are hereby repealed, (2) that the City Council of the City of El Paso, Texas, its Mayor, John Cook, and any person or corporation or business entity of any type be forbidden from preparing for the demolition of City Hall, and (3) that the demolition of City Hall shall not take place until the citizens of El Paso, Texas, authorize such demolition by voting for it at the next City Election in May, 2013.

THE MOTION PASSED.

AYES: Representatives Lilly, Byrd, Noe, Ortega, and Niland

NAYS: Representatives Acosta, Robinson, and Holguin

Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. David Ochoa, citizen, commented.

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7A.

RESOLUTION

A RESOLUTION PROVIDING FOR THE 2013 GENERAL ELECTION IN THE CITY OF EL PASO, CALLING FOR AN ELECTION OF THE MAYOR, FOUR DISTRICT REPRESENTATIVES, FIVE MUNICIPAL COURT JUDGES, AND THE JUDGE OF THE MUNICIPAL COURT OF APPEALS TO BE HELD WITHIN THE CITY ON MAY 11, 2013; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to the Texas Election Code, as amended, an election will be held on Saturday, May 11, 2013 in the City of El Paso for the purpose of electing the following named officers of the City of El Paso: the Mayor, four District Representatives who are to be elected from Single-Member Districts Nos. 2, 3, 4 and 7, the judges of the El Paso Municipal Courts, Nos. 1, 2, 3, 4, and 5, and the judge of the El Paso Municipal Court of Appeals..

2. That at such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate from one of the four single-member representative districts heretofore established by the City Council being up for election, such as "Representative, District No. 2" and "Representative, District No. 3," etc. At the polling places in each Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and each Representative shall be elected by the voters in the district in which the person is a candidate.

3. That at such election, any candidate for the office of a Judge of the Municipal Court shall file an application for that specific place on the ballot, as "Judge, Municipal Court No. 1," "Judge, Municipal Court No.2," etc., and the ballot in such election shall show each office of the Judge of the Municipal Court as a

separate office by the municipal court number with the name of each candidate shown thereon under the specific office for which the person is a candidate.

4. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

5. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 4, 2013, and Sunday, May 5, 2013, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, April 29, 2013, through Friday, May 3, 2013, at the hours listed below; on Saturday, May 4, 2013, at all locations from 9:00 am – 6:00 pm; on Sunday, May 5, 2013, at all locations from 12:00 pm – 5:00 pm; and from Monday, May 6, 2013, and Tuesday, May 7, 2013, at all locations from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Hours for Apr 30 - May 3, 2013 only</u>
a. Ana M. Garcia-Enriquez M.S.	12280 Socorro Rd.	8:00 am – 4:00 pm
b. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
c. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
d. Carolina Recreation Center	563 N. Carolina Dr.	9:00 am – 6:00 pm
e. Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
f. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
g. Marty Robbins Rec. Center	11600 Vista Del Sol Dr.	9:00 am – 6:00 pm
h. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
i. Pavo Real Recreation Center	9301 Alameda Ave.	9:00 am – 6:00 pm
j. Pebble Village Center	10780 Pebble Hills Blvd.	9:00 am – 6:00 pm
k. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
l. Socorro High School	10150 Alameda Ave.	8:00 am – 5:00 pm
m. Sunrise Shopping Center	8500 Dyer St.	9:00 am – 6:00 pm
n. Sun Valley Center	4525 Sun Valley Dr.	9:00 pm – 6:00 pm
o. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting at publicly owned buildings in the City as set forth in Exhibit "B." The City Clerk is authorized to make corrections or revisions to the list of these mobile stations, including the respective hours for early voting by personal appearance at these stations, as are established by the El Paso County Elections Administrator. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise

and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 12, 2013, and no later than the close of business on April 26, 2013, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

6. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

7. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

8. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

9. That a runoff election shall be held, if required, on Saturday, June 8, 2013, or Saturday, June 15, 2013, or another date permitted by the Texas Election Code. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

10. That the terms of office for all officers elected at the General Election, or any runoff election, shall commence on June 23, 2013, or such other date as the City Council may lawfully establish.

11. That by approving and signing this resolution, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.

12. A substantial copy of this resolution shall serve as proper notice of said election.

13. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

14. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 12, 2013.

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPROVE** the Resolution.

7B.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an estimated cost of up to \$11,416.75 to provide election services and equipment for the May 11, 2013 General Election and Special Election; and that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing or precinct expenses; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary.

Representatives Byrd, Acosta, and Niland commented.

Ms. Sylvia Firth, City Attorney, gave legal advice.

Motion made by Representative Robinson, seconded by Representative Noe, and unanimously carried to **APPROVE** the Resolution.

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7C.

ORDINANCE 17949

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.92 (ETHICS), SECTION 2.92.100 (CAMPAIGN FINANCES), PARAGRAPH 2.92.100 (D) (REQUIRED FILINGS) TO REQUIRE ELECTRONIC FILING OF CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORTS FILED WITH THE CITY CLERK'S OFFICE.**

Representatives Byrd, Acosta, Robinson, and Holguin commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Miguel Gamino, Director of Information Technology

Motion duly made by Representative Niland, seconded by Representative Noe, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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7D.

RESOLUTION

WHEREAS, thousands of individuals utilizing El Paso's public streets are eligible to have their vehicles booted for failure to pay delinquent parking citations; and

WHEREAS, these scofflaws account for over \$46.5 million in uncollected fines and fees owed to the City of El Paso; and

WHEREAS, the City of El Paso will incur increased expenses in sending additional police officers throughout the City to locate and boot the vehicles of these scofflaws; and

WHEREAS, Section 12.85.070A3 of the El Paso City Code permits City Council to reduce the delinquency fines for parking citations for those violators who pay citations, voluntarily, during a declared amnesty period; and

WHEREAS, the contract between the City and its collection agency allows for a waiver of the collection fee during declared amnesty periods; and

WHEREAS, it has been determined that such a reduction in the delinquency fines and collection fees should maximize revenue collection by serving as an incentive for violators to pay their fines.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso declares an amnesty period effective February 25, 2013, through March 9, 2013, ending at 12:00 midnight on March 9, 2013. During this amnesty period, all violators who pay outstanding parking citations will have the total delinquency fines and collection fees reduced to zero leaving only the fine amount to be paid for each delinquent citation which is paid voluntarily.

Representatives Acosta, Robinson, and Noe commented.

Ms. Lilia Worrell, Assistant Municipal Court Clerk, commented.

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPROVE** the Resolution.

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8A. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance changing the zoning of a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, an Addition to the City of El Paso, El Paso County, Texas from R-4 (Residential) to C-4 (Commercial) and imposing a condition. The penalty is as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: south of Diana Drive and east of Gateway North Boulevard. Property Owner: El Paso Water Utilities - Public Service Board and City of El Paso. PZRZ12-00031

Representative Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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8B. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **POSTPONE** two weeks the public hearing on an Ordinance vacating a portion of the North Gate Outlet Channel R.O.W. out of Castner Heights Unit One, City of El Paso, El Paso County, Texas. SURW12-00018.

Representative Robinson commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

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8C. CITY DEVELOPMENT

*Motion made, seconded, and unanimously carried to **DELETE** the public hearing on an Ordinance granting a Special Privilege License to Texas Tech University Health Sciences Center for the construction, maintenance, use and repair of a surface parking lot within portions of City right-of-way along Alberta Avenue beneath the Raynolds Street Overpass Bridge for a term of four years with a renewable four year term followed by an additional renewable two year term. (NESV12-00039)

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8D.

ORDINANCE 17950

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS) SUBSECTION F (FEES) TO ALLOW FLEXIBILITY IN IDENTIFYING ANNUAL FEES FOR SPECIAL PRIVILEGE LICENSES AND PERMITS GRANTED IN THE TAX INCREMENT REINVESTMENT ZONES. PENALTY IS AS PROVIDED IN SECTION 15.08.125 OF THE EL PASO CITY CODE.**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representative Acosta commented.

Motion duly made by Representative Acosta, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

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ITEMS TAKEN TOGETHER

8E.

ORDINANCE 17951

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING CARMELO COURT, BEING A 52' RIGHT-OF-WAY IN BLOCK 1, LAS PALMAS COMMERCIAL PARK REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

8F.

ORDINANCE 17952

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING ALEXIS COURT, BEING A 52' RIGHT-OF-WAY IN BLOCK 1, LAS PALMAS COMMERCIAL PARK REPLAT "A", CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Motion duly made by Alternate Mayor Pro Tempore Holguin, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Acosta, Robinson, Noe, Holguin, Ortega and Niland
NAYS: None
NOT PRESENT FOR THE VOTE: Representative Byrd

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

8G.

ORDINANCE 17953

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017917 WHICH GRANTED A SPECIAL PRIVILEGE LICENSE TO EL PASO COMMUNITY COLLEGE PERMITTING THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REPAIR OF 1000 LINEAR FOOT SUBSURFACE FIBER OPTIC CABLE WITHIN PORTIONS OF CITY RIGHT-OF-WAY BENEATH RIO GRANDE AVENUE BETWEEN OREGON STREET AND KANSAS STREET, TO CLARIFY SECTION 9, INSURANCE, AND GRANTEE'S LIABILITY AS A PUBLIC INSTITUTION OF HIGHER EDUCATION. (NESV12-00012)**

Representative Niland commented.

Mr. Carlos Gallinar, Deputy Director for Planning, City Development, commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

ITEMS TAKEN TOGETHER 8H, 8I, AND 8J

8H.

RESOLUTION

A RESOLUTION AMENDING THE CITY'S SUSTAINABLE CITY CENTERS INCENTIVE POLICY

WHEREAS, on July 31, 2012, the El Paso City Council, adopted a resolution that established the Sustainable City Centers Incentive Policy (the "Policy"); and

WHEREAS, the Director of City Development now recommends that the adopted Policy be amended: (1) create the Sustainable City Centers Fund; (2) extend the term of the Policy; (3) revise the incentive map for the City to expand the incentive area; and (4) clarification of verbiage throughout the Policy.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

(1) The City of El Paso Sustainable City Centers Incentive Policy be amended and restated as shown in Exhibit "A", attached to this Resolution.

(2) It is the intention of City Council that any applicants who have received building permits since the date of the initial adoption of the Program are also eligible to participate under the amended Program.

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE** the proposed amendments to the Sustainable City Centers Incentive Policy.

Representatives Niland, Byrd, Ortega, Acosta, and Robinson commented.

Mr. David Ochoa, citizen, commented.

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE** the Resolution on the proposed amendments to the Sustainable City Centers Incentive Policy.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Holguin

8I.

RESOLUTION

A RESOLUTION AMENDING THE CITY'S DOWNTOWN NEW CONSTRUCTION INCENTIVE POLICY

WHEREAS, on July 31, 2012, the El Paso City Council, adopted a resolution that established the Downtown New Construction Incentive Policy (the "Policy"); and

WHEREAS, the Director of City Development now recommends that the adopted Policy be amended: (1) create the Sustainable City Centers Fund; (2) extend the term of the Policy; (3) reduce the minimum construction requirement; (4) clarify the minimum investment amount for renovation and new construction; (5) to make the Policy more attractive to multi-use developers by increasing the financial incentives available under the Policy; (6) revise the incentive map for the City to expand the incentive area; and (7) clarification of verbiage throughout the Policy.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

(1) The City of El Paso Downtown New Construction Incentive Policy be amended and restated as shown in Exhibit "A", attached to this Resolution.

(2) It is the intention of City Council that any applicants who have received building permits since the date of the initial adoption of the Program are also eligible to participate under the amended Program.

Motion made by Representative Niland, seconded by Representative Ortega, and carried to **APPROVE, AS REVISED** the Resolution on the proposed amendments to the Downtown New Construction Incentive Policy and to **REVIEW** the Northgate Terminal.

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Holguin

8J.

ORDINANCE 17954

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 017828 ALLOWING A REDUCTION OF CERTAIN DEVELOPMENT FEES SPECIFIED IN TITLE 18, TITLE 19, AND TITLE 20 OF THE EL PASO CITY CODE FOR AREAS IDENTIFIED IN THE CITY'S SUSTAINABLE CITY CENTERS INCENTIVE POLICY, TO REMOVE THE REQUIREMENT THAT THE PROPERTY BE ZONED SMART-CODE, ADD ADDITIONAL INCENTIVE AREAS AND EXTEND THE ENDING DATE FOR THE REDUCTION IN FEES.**

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Ortega and Niland
NAYS: Representative Holguin

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
8K.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor is hereby authorized to sign, on behalf of the City of El Paso, an Amendment to Interlocal Agreement between the City of El Paso (the "City") and the El Paso Downtown Management District (the "DMD") for the DMD to manage the City's wayfinding program on City owned kiosks and certain trash bins in the Downtown area and to implement and maintain the submittal of special privilege applications online and to procure IT host services for these applications, subject to the terms and conditions in the Amendment to the Interlocal Agreement.

Mr. Mathew McElroy, Director of City Development presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Niland, Ortega, Acosta commented.

Ms. Joyce Wilson, City Manager, commented.

Ms. Veronica Soto, Director of El Paso Downtown Management District, commented.

Motion made by Representative Niland, seconded by Representative Ortega, and unanimously carried to **APPROVE** the Resolution.

.....
9A.

ORDINANCE 17955

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV - SPEED LIMITS), PARAGRAPH 12.88.150 (L) (SPEED LIMITS ON LOOP 375, THE FREEWAY AND FRONTAGE ROADS), SUB-PARAGRAPHS 12.88.150(L)(2)(A) AND 12.88.150(L)(2)(B)(SPEED LIMIT ON THE FREEWAY), TO AMEND EXISTING SPEED LIMITS, THE PENALTY BEING AS PROVIDED IN CHAPTER 1.08 (GENERAL PENALTY) OF THE EL PASO CITY CODE.**

Representative Byrd commented.

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

Motion duly made by Representative Noe, seconded by Representative Acosta, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega and Niland
NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
9B.

ORDINANCE 17956

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV-SPEED LIMITS) TO AMEND SPEED LIMITS ON MESA STREET AND TO DELETE OBSOLETE TEMPORARY CONSTRUCTION ZONE SPEED LIMITS ON VARIOUS CITY STREETS, THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010-1.08.030 AND 6.16.110, OF THE EL PASO CITY CODE.**

Representative Byrd commented.

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

Motion duly made by Representative Niland, seconded by Mayor Pro Tempore Lilly, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
9C.

ORDINANCE 17957

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.44 (STOPPING, STANDING AND PARKING GENERALLY), SECTION 12.44.180 (REGULATIONS PERTAINING TO CERTAIN SPECIAL SITUATIONS), PARAGRAPH 12.44.180(B)(22) RESERVED FOR CITY POLICE DEPARTMENT, OFFICIALLY MARKED VEHICLES, SUBPARAGRAPH 12.44.180(B)(22)(B) TO RELOCATE RESERVED POLICE DEPARTMENT SPACES, THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 AND CHAPTER 12.85 OF THE EL PASO CITY CODE.**

Mr. Ted Marquez, Deputy Director for Department of Transportation, commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Noe, Holguin, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Robinson

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

10.

ORDINANCE 17958

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 3 (REVENUE AND FINANCE), CHAPTER 3.04 (PROPERTY TAXES), SECTION 3.04.050 (DELINQUENT TAXES-INSTALLMENT PAYMENTS) OF THE EL PASO CITY CODE TO GRANT THE TAX ASSESSOR THE AUTHORITY TO REQUIRE AN INITIAL DOWN PAYMENT BEFORE OR AT THE TIME OF EXECUTION OF AN INSTALLMENT PAYMENT AGREEMENT AND TO PROSECUTE PENDING TAX SUITS FILED PRIOR TO THE EXECUTION OF AN INSTALLMENT PAYMENT AGREEMENT AND DEFER ENFORCEMENT OF JUDGMENT OF SUCH SUIT FOR INSTALLMENT PAYMENT PLANS THAT ARE CURRENT.**

Representatives Acosta, Byrd, and Robinson commented.

Mr. David Childs, Tax Assessor Collector

Ms. Carmen Perez, outside counsel, gave legal advice.

Motion duly made by Representative Ortega, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

11.

ORDINANCE 17959

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 017351 AUTHORIZING THE CITY OF EL PASO TO SELL THE PROPERTY MUNICIPALLY KNOWN AND NUMBERED AS 800 S. PIEDRAS AKA 2914 E. PAISANO TO INTERNATIONAL COMMUNICATIONS OF EL PASO, INC. TO CORRECT THE METES AND BOUNDS DESCRIPTION FOR THE PROPERTY AND RE-ALLOCATE THE PROCEEDS OF SALE.**

Representative Niland commented.

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Acosta, Robinson, Noe, Holguin, Ortega and Niland

NAYS: None

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

.....
TAKEN WITH EX1 – EX3 AND ADD01

12.

ORDINANCE 17960

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING), CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS), CHAPTER 20.18 (SIGN REGULATIONS) ARTICLE I (GENERAL PROVISIONS), ARTICLE II (ADMINISTRATION), ARTICLE III (BILLBOARD REGULATIONS), AND ARTICLE IV (ON-PREMISES SIGN REGULATIONS), CHAPTER 20.22, (NONCONFORMING SITUATIONS), OF THE EL PASO CITY CODE TO EXCLUDE FROM THE PROVISIONS OF CHAPTER 20.18, ALL BUS BENCH ADVERTISING AUTHORIZED THROUGH THE CITY'S FRANCHISE AGREEMENT, TO ADD A DEFINITION FOR SUPERREGIONAL SHOPPING CENTERS, TO ESTABLISH STANDARDS FOR SUPERREGIONAL SHOPPING CENTER CHANGEABLE ELECTRONIC VARIABLE MESSAGE (CEVM) SIGNS, TO ALLOW AND ESTABLISH STANDARDS FOR CEVM BILLBOARD DISPLAYS; TO AMEND THE PERMITTING AND REGISTRATION REQUIREMENTS FOR BILLBOARDS; AND TO ESTABLISH AN EXCHANGE RATE FOR THE CONVERSION OF STATIC BILLBOARDS TO CEVM BILLBOARDS AND TO CLARIFY THE MAINTENANCE ALLOWED ON NONCONFORMING SIGNS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.24 OF THE EL PASO CITY CODE.**

Ms. Karla Nieman, Assistant City Attorney, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Robinson, Byrd, Noe, and Lilly commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.
3. Mr. Kenneth Krohn, Assistant City Attorney, gave legal advice.

1ST MOTION

Motion duly made by Representative Robinson, seconded by Representative Niland, that the Ordinance be **ADOPTED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Byrd

ABSTAIN: Representative Holguin

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED**.

2ND MOTION

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried to **RECONSIDER** the item.

3RD AND FINAL MOTION

Motion duly made by Representative Niland, seconded by Representative Ortega, that the Ordinance be **ADOPTED, AS REVISED**. Whereupon the Mayor Pro Tempore ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Byrd

ABSTAIN: Representative Holguin

Whereupon the Mayor Pro Tempore ordered that, the vote having been cast in favor of the Ordinance, the same be and the same are hereby **ADOPTED, AS REVISED**.

13. PARKS AND RECREATION

*Motion made, seconded, and unanimously carried to **DELETE** a Resolution on the 2012-2022 Updated Parks and Recreation Master Plan as prepared by the City's consultants, Halff Associates, Inc., for the City of El Paso.

14. MAYOR AND COUNCIL

Motion made by Representative Ortega, seconded by Representative Niland, and unanimously carried to **APPROVE** to program services into the next City Budget.

Discussion and action regarding a presentation by United States Army Veteran, Bill Sparks, with the Veterans' Business Resource Center concerning coordination between the City of El Paso and the El Paso Veterans' community regarding services, outreach, and coordination.

Mr. Bill Sparks, Veterans' Business Resource Center, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Ortega, Acosta, and Byrd commented.

Ms. Joyce Wilson, City Manager, commented.

15A. CITY MANAGER

Motion made by Representative Acosta, seconded by Mayor Pro Tempore Lilly, and unanimously carried to **APPROVE** the First Quarter FY2013 Budget Report and budget transfer.

AYES: Representatives Lilly, Byrd, Acosta, Noe, Ortega and Niland

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Robinson and Holguin

Ms. Carmen Arrieta-Candelaria, Chief Financial Officer, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Niland, Acosta, Ortega commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Sylvia Firth, City Attorney, gave legal advice.

15B. CITY MANAGER

Discussion on the presentation of the City Hall Relocation.

Mr. John Neal, Special Projects, City Manager's Office, presented a PowerPoint presentation (copy on file in City Clerk's office).

Representatives Ortega, Niland, Robinson, and Acosta commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Juliet Lozano, Communications & Public Affairs Manager

Mr. David Ochoa, citizen, commented.

NO ACTION was taken on this item.

TAKEN WITH ITEM 12 AND EX1 – EX3

ADDITION TO THE AGENDA

1st MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPOINT** Cori Harbour-Valdez as part-time Associate Municipal Court Judges.

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and unanimously carried to **APPOINT** Carey Antwine as part-time Associate Municipal Court Judges.

3RD MOTION

Motion made by Representative Byrd, seconded by Representative Noe, and unanimously carried to **APPOINT** Michelle P. Morales as part-time Associate Municipal Court Judges.

4TH MOTION

Motion made by Representative Robinson, seconded by Representative Holguin, and carried to **APPOINT** Luis Labrado as part-time Associate Municipal Court Judges.

THE MOTION FAILED.

AYES: Representatives Acosta, Robinson, and Holguin

NAYS: Representatives Lilly, Byrd, Noe, Ortega, and Niland

Representative Byrd commented.

ITEMS 12 AND ADD01 TAKEN WITH EXECUTIVE SESSION

Motion made by Representative Niland, seconded by Representative Noe, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 10:54 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

Motion made by Representative Niland, seconded by Representative Robinson, and unanimously carried to adjourn the Executive Session at 11:39 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

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EX1. Clear Channel Outdoor, Inc. vs. City of El Paso, Texas; Cause No. 2009-3939 (551.071)

Motion made by Representative Ortega, seconded by Representative Niland, and carried that the City Manager be authorized authority to settle and sign all settlement documents necessary, as approved by the City Attorney, in the lawsuits styled Clear Channel Outdoor, Inc. vs. The City of El Paso, Cause No. 2009-3939 and Clear Channel Outdoor, Inc. vs. The City of El Paso, et. al.; Cause No. 3-12-CV-00301.

AYES: Representatives Lilly, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Byrd

ABSTAIN: Representative Holguin

.....
EX2. Clear Channel Outdoor, Inc. vs. City of El Paso, et. al.; Cause No. EP-12-CA-00301-FM (551.071)

Motion made by Representative Ortega, seconded by Representative Niland, and carried that the City Manager be authorized authority to settle and sign all settlement documents necessary, as approved by the City Attorney, in the lawsuits styled Clear Channel Outdoor, Inc. vs. The City of El Paso, Cause No. 2009-3939 and Clear Channel Outdoor, Inc. vs. The City of El Paso, et. al.; Cause No. 3-12-CV-00301.

AYES: Representatives Lilly, Acosta, Robinson, Noe, Ortega and Niland

NAYS: Representative Byrd

ABSTAIN: Representative Holguin

.....
EX3. Exparte City of El Paso and City of El Paso Downtown Development Corporation in the District Court of Travis County, Texas, 261st Judicial District, Cause No. D-1-GV-13000050 Consolidated with case styled: Salvador Perez Gomez, Jose A. Lozano, Carl Starr (Coalition for Responsive Government v. City of El Paso, John Cook, Ann Lilly, Susie Byrd, Eddie Holguin Jr., Steve Ortega, Carl Robinson, Courtney Niland, Michiel Noe, Emma Acosta and Joyce Wilson, Pending in the County Court at Law No. 5 in El Paso County, Texas, Cause No. 2012DCV06482, and Ray Salazar, Richard A. Najera, Julie Reynolds, Guillermo Acosta and Othon Medina and Jesus B. Ochoa, Jr. v. City of El Paso, Texas, Mayor John Cook, Joyce Wilson, Ann Morgan Lilly, Susie Byrd, Michiel Noe, Steve Ortega, Courtney Niland, Pending in the 41st District Court of El Paso County, Texas, Cause No. 2012DCV07234. (551.071)

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Robinson, and carried to **APPROVE** the Exparte City of El Paso and City of El Paso Downtown Development Corporation in the District Court of Travis County, Texas, 261st Judicial District, Cause No. D-1-GV-13000050 Consolidated with case styled: Salvador Perez Gomez, Jose A. Lozano, Carl Starr (Coalition for Responsive Government v. City of El Paso, John Cook, Ann Lilly, Susie Byrd, Eddie Holguin Jr., Steve Ortega, Carl Robinson, Courtney Niland, Michiel Noe, Emma Acosta and Joyce Wilson, Pending in the County Court at Law No. 5 in El Paso County, Texas, Cause No. 2012DCV06482, and Ray Salazar, Richard A. Najera, Julie Reynolds, Guillermo Acosta and Othon Medina and Jesus B. Ochoa, Jr. v. City of El Paso, Texas, Mayor John Cook, Joyce Wilson, Ann Morgan Lilly, Susie Byrd, Michiel Noe, Steve Ortega, Courtney Niland, Pending in the 41st District Court of El Paso County, Texas, Cause No. 2012DCV07234. **THE MOTION FAILED.**

AYES: Representatives Acosta, Robinson, and Holguin

NAYS: Representatives Lilly, Byrd, Noe, Ortega and Niland

2nd AND FINAL MOTION

Motion made by Representative Byrd, seconded by Representative Niland, and carried that the City Attorney's Office be authorized to **REJECT** Plaintiffs' settlement demand in the lawsuit styled Exparte City of El Paso and City of El Paso Downtown Development Corporation in the District Court of Travis County, Texas, 261st Judicial District, Cause No. D-1-GV-13000050 Consolidated with case styled: Salvador Perez Gomez, Jose A. Lozano, Carl Starr (Coalition for Responsive Government v. City of El Paso, John Cook, Ann Lilly, Susie Byrd, Eddie Holguin Jr., Steve Ortega, Carl Robinson, Courtney Niland, Michiel Noe, Emma Acosta and Joyce Wilson, Pending in the County Court at Law No. 5 in El Paso County, Texas, Cause No. 2012DCV06482, and Ray Salazar, Richard A. Najera, Julie Reynolds, Guillermo Acosta and Orthon Medina and Jesus B. Ochoa, Jr. v. City of El Paso, Texas, Mayor John Cook, Joyce Wilson, Ann Morgan Lilly, Susie Byrd, Michiel Noe, Steve Ortega, Courtney Niland, Pending in the 41st District Court of El Paso County, Texas, Cause No. 2012DCV07234.

AYES: Representatives Lilly, Byrd, Noe, Ortega and Niland

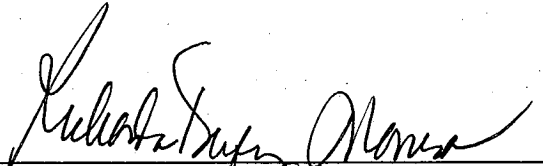
NAYS: Representatives Acosta, Robinson, and Holguin

Ms. Sylvia Firth, City Attorney, gave legal advice.

Mr. David Ochoa, citizen, commented.

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Motion made by Representative Niland, seconded by Representative Acosta, and unanimously carried to **ADJOURN** this meeting at 1:09 p.m.
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APPROVED AS TO CONTENT:


Richarda Duffy Momen, City Clerk